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HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S) 4715 of 2006

PETITIONER : Abdul Gaffur Khan S/o Late Shri Abdul Sattar Khan, aged about 21 years. R/o Naushad Silai Center Behind Sharda Bhawan Tala para, Bilaspur [C.G.]

VERSUS

RESPONDENTS : 1. State of Chhattisgarh through Secretary, Department of General Administration Mantralaya, D.K.S. Bhawan Raipur [C.G.]

2. Chief Engineer Hasdev Kachar Water Resources Deptt. Bilaspur [C.G.]

Present: Mr. Amit Verma, Advocate for the petitioner.
Miss Sunita Jain, Panel Lawyer for the State/respondents.

ORDER
(Passed on 29th of March, 2007)

1. By this petition, the petitioner seeks a writ in the nature of certiorari/direction for quashing the impugned order dated 24.06.2006 (Annexure P/1) passed by the Chief Engineer, Hasdeo Kachar, Water Resources Department, Bilaspur.

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2. Admittedly, the father of the petitioner, while working in the Irrigation Department, died on 14.7.1998, in harness. At the time of death of his father, the petitioner was only 14 years of age.

3. According to the learned counsel appearing for the petitioner, the petitioner made several applications for compassionate appointment before attaining the age of majority. No appointment could be granted to the petitioner. Being aggrieved, the petitioner filed a writ petition alongwith other 22 similarly situated persons in this Court. This Court, vide order dated 31st Jan. 2006, in W.P. No. 3886/2003 granted liberty to the petitioner to file representation. The same was in turn, directed to be considered in accordance with law.

4. The respondent no. 2, having considered his representation, pursuant to the order dated 31.01.2006, passed by this Court in W.P. No. 3886/2003, rejected the representation of the petitioner on the ground that as per the policy dated 01.05.2000, the application for compassionate appointment is to be made within a period of three years even in case of minors, from the date of death of the deceased employee. The father of the petitioner died on 14.7.1998. The respondent no. 1 in his order dated 24.06.2006 has not mentioned as to when the application was made. While coming to the conclusion that as per circular dated 01.05.2000, the application ought to have been made within a period of three years. Learned counsel appearing for the petitioner submits that his

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application was made immediately after the death of the father on 20.11.1998 (Annexure P/3). Thereafter, application was made on 17.11.2000 (Annexure P/4) which, it appears, have escaped the attention of the respondent no. 2 while deciding the representation of the petitioner.

5. On perusal of the pleadings and the documents appended thereto, it appears that the respondent no. 2 has passed the impugned order in a casual manner without looking into the relevant facts. The respondent no. 2 has further not examined as to whether the policy dated 10.06.1994 would be applicable in case of the petitioner as the father of the petitioner died on 14.7.1998 or subsequent policy dated 01.05.2000 when admittedly, one application was moved prior to 01.05.2000.

6. The order impugned, passed by the Chief Engineer, respondent no. 2, is erroneous and deserves to be quashed. The respondent no. 2 is directed to examine the matter a fresh after affording opportunity of hearing to the petitioner in light of the above observations, within a period of 6 weeks from the date of receipt of a copy of this order.

7. This petition is accordingly allowed to the above extent. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Amit